

Application No.: 10/080,763

AMENDMENTS TO THE DRAWINGS

A separate "LETTER TO DRAFTSMAN SUBMITTING NEW DRAWINGS" is being submitted.

REMARKS/ARGUMENTS

The Office Action mailed December 10, 2004 has been carefully reviewed. Reconsideration of this application, as amended and in view of the enclosed Declarations and the following remarks, is respectfully requested. The claims presented for examination are: claims 1-31.

Objections to the Drawings

In paragraph number 1 of the Office Action mailed December 10, 2004, the drawings were objected to under 37 CFR 1.83(a). The statement was made, "Specifically, what is shown in Fig. 6 is neither a commonly accepted block diagram showing the structural relationship of system components nor a flow chart showing the function steps." In addition, reference numeral 33 of Fig. 6 should have been "63".

In response to the Office Action mailed December 10, 2004, a sheet of new drawings is enclosed changing the reference numeral 33 to 66 and changing the diagram to a flow chart. No new matter is introduced.

Objections to the Specification

In paragraph number 2 of the Office Action mailed December 10, 2004, the specification was objected to because of enumerated informalities.

With regard to page 10 and page 13, the statement was made, "Equation 1 can not be located." Applicant has delete paragraph [0019] and replaced it with an amended paragraph that labels equation 1 as suggested by the Examiner. Applicant has also delete paragraph [0028] and replaced it with an amended paragraph that repeats equation 1.

With regard to page 10 and page 13, the statement was made, "doing the same in the vertical dimension should result in images that appear stretched vertically." Applicant has delete paragraph [0020] and replaced it with an

amended paragraph that states, "Applying Equation 1 in the vertical direction results in images that appear stretched vertically" as suggested by the Examiner. Applicant has also amended paragraph [0028] in the same manner.

With regard to page 14, the statement was made, "Incomprehensible." Applicant has delete paragraph [0020] and replaced it with an amended paragraph that is believed to be comprehensible.

35 USC 112 Rejections

In paragraph number 5 of the Office Action mailed December 10, 2004, claims 1–31 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The statement was made, "The claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention."

Applicant has amended the specification, amended the drawings, and amended the claims. Applicant submits that the amended specification, drawings, and claims contain details sufficient for one skilled the art to make and use the invention. The test for determining whether there are details sufficient for one skilled in the art to make and/or use the invention is not a single, simple factual determination, but rather is a conclusion reached by weighing many factual considerations.

Applicant believes that the specification is enabling because (1) there is considerable direction and guidance in the specification and (2) there is a high level of skill in the art. The specification contains extensive description of the invention and specific examples. The level of skill in this art is high, requiring at least an engineering degree. Applicant believes that the amended specification enables the practice of the invention defined by claims 1–31.

In paragraph number 6 of the Office Action mailed December 10, 2004, regarding claim 1 and similarly claims 17, 23 and their respective dependent claims 2-16, 18-22, and 24-31; the statement was made, "the meaning of the term "resolution" recited in line 9 is ambiguous." Applicant submits that the term "resolution" is described in the specification sufficiently to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In paragraph number 7 of the Office Action mailed December 10, 2004, regarding claim 17 and similarly its dependent claims 18-22, the statement was made, "the specification fails to describe how a computer-readable medium per se can apply the functions recited in the claim." Applicant submits that the term "computer-readable medium" is described in the specification and is known in the art sufficiently to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

35 USC 103 Rejection - West et al in view of Melen

In paragraphs numbers 9, 10, 11, 12, 13, 14, 15, 16, and 17 of the Office Action mailed December 10, 2004, claims 1, 2, 5-7, 9-12, 23, 24, 26, and 29-31 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the primary West et al reference (US 6,339,434) in view of the secondary Melen reference (US 6,320,979).

Applicant has amended the independent claims; therefore the claims are now presented in amended form. Since the claims now appear in amended form the 35 USC §103(a) rejection in the Office Action mailed December 10, 2004 no longer applies.

Applicants believe that amended claims 1, 2, 5-7, 9-12, 23, 24, 26, and 29-31 are patentable and that the primary West et al reference and the secondary Melen reference would not support a 35 USC §103(a) rejection. The factual

inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966) that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) include “Ascertaining the differences between the prior art and the claims at issue.”

The differences between the West et al/Melen references and Applicant’s invention defined by amended claims 1, 2, 5-7,9-12, 23,24, 26, and 29-31 includes the fact that the following elements of amended claims 1, 2, 5-7,9-12, 23,24, 26, and 29-31 are not found in the West et al/Melen references:

“a surveillance system,” or

“a digital network,” or

“a digital camera connected to said digital network, said digital camera capturing said view of said scene under surveillance and representing said scene under surveillance by said plurality of lines of pixels,” or

“a computer connected to said digital network, wherein said computer applies a specific zooming scale factor to each of said horizontal line of pixels and continuously increases the scale factor of said horizontal line of pixels from said bottom to said top to capture said scene in said near field, yet maintain resolution in said scene in said far field resulting in any distortion in said view being acceptable,” or

“a video surveillance camera,” or

“wherein images in said near field are at said bottom, wherein images in said far field are at said top, and wherein said computer applies said specific zooming scale factor to each of said horizontal line of pixels and continuously increases the scale factor of said horizontal line of pixels from said bottom to said top to capture said scene in said near field, yet maintain resolution in said scene in said far field resulting in any distortion in said view being acceptable and said images in said images in said far field are enlarged.”

Since both the West et al and Melen references fail to show the elements, there can be no combination of the two references that would show Applicant’s

invention and render it unpatentable. There is no combination of the West et al reference and the Melen reference that would produce the combination of elements of Applicants' amended claims. Further, there is no teaching of combining the West et al reference and the Melen reference to meet Applicants' amended claims. Thus, the combination of references fails to support a rejection of the claims under 35 USC 103, and the rejection should be withdrawn.

35 USC 103 Rejection - West et al and Melen in view of Vaios

In paragraphs numbers 18 and 19 of the Office Action mailed December 10, 2004, claims 3, 4, and 8 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the primary West et al reference (US 6,339,434) and secondary Melen reference (US 6,320,979) in view of the tertiary Vaios reference (US 6,271,725).

Applicant has amended the independent claim 1; therefore, dependent claims 3, 4, and 9 are now presented in amended form. Since the claims now appear in amended form the 35 USC §103(a) rejection of claims 3, 4, and 9 in the Office Action mailed December 10, 2004 no longer applies.

Applicants believe that amended claims 3, 4, and 9 are patentable and that the primary West et al reference, the secondary Melen reference, and the tertiary Vaios reference would not support a 35 USC §103(a) rejection. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966) that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) include "Ascertaining the differences between the prior art and the claims at issue."

The differences between the West et al, Melen, and Viaos references and Applicant's invention defined by amended claims 3, 4, and 9 includes the fact that the many of the elements of the amended claims references. The elements identified above are not found in the reverences.

Since the West et al, the Melen, and the Viao reference fail to show the elements, there can be no combination of the three references that would show Applicant's invention and render it unpatentable. There is no combination of the references that would produce the combination of elements of Applicants' amended claims. Further, there is no teaching of combining the West et al reference, the Melen reference, and the Viao reference to meet Applicants' amended claims. Thus, the combination of references fails to support a rejection of the claims under 35 USC 103, and the rejection should be withdrawn.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated December 10, 2004 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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Livermore, California
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